

Calendar No. 1280

77TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1242

ALVIRA MANFREDI

APRIL 3 (legislative day, MARCH 30), 1942.—Ordered to be printed

Mr. HUGHES, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5845]

The Committee on Claims, to whom was referred the bill (H. R. 5845) for the relief of Alvira Manfredi, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

On page 1, line 7, strike out the figures "\$3,000" and insert "\$1,000".

On page 2, line 1, after the word "Department" insert the following:

and to the department of hospitals, city of New York, the sum of \$107, in full settlement of its claim for medical and surgical service rendered Alvira Manfredi.

The facts are fully set forth in House Report No. 1729, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1729, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5845) for the relief of Alvira Manfredi, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Page 1, line 7, strike out the figures "\$3,500" and insert in lieu thereof "\$3,000".

The purpose of the proposed legislation is to pay to Alvira Manfredi, of New York City, the sum of \$3,000 for personal injuries sustained on January 15, 1941, when she was struck by a United States mail truck at the intersection of Tenth and Lafayette Avenues in the Borough of Brooklyn, N. Y.

STATEMENT OF FACTS

On January 15, 1941, Alvira Manfredi, a pedestrian, started across the street on a regular crosswalk at a time when the light was in her favor; that the light changed while she was crossing the street; that the postal chauffeur was approaching the intersection as the light changed and swerved to the left of the center of the street, passing three lines of standing traffic in an effort to be the first to enter the intersection on the green light, striking Alvira Manfredi, throwing her to the street, the truck passing over her foot, fracturing her right ankle and heel.

The Post Office Department recommends the enactment of the legislation in whatever amount the Congress, in its discretion, deems appropriate.

Your committee found that Miss Manfredi was a young woman of about 24 years of age, and was employed in the Keyser silk factory as a machine operator, and, that in the course of her work, it is necessary for her to use her foot; that as a result of the accident, she has been out of work and, in all probability, will never be able to return to her job as machine operator. As a result of the injuries sustained by her, she has incurred medical expenses in the sum of \$107.

Appended hereto is the report of the Post Office Department, together with other pertinent evidence.

POST OFFICE DEPARTMENT,
Washington, D. C., October 27, 1941.

Hon. DAN R. McGEHEE,
Chairman, Committee on Claims, House of Representatives.

MY DEAR MR. McGEHEE: In compliance with the request of your committee dated October 17, there are herewith transmitted for consideration with H. R. 5845 all papers on file in the Department relating to the claim of Alvira Manfredi, of New York City, in the sum of \$3,500, arising out of an accident involving a United States mail truck which occurred on January 15, 1941.

The investigation of this accident disclosed that the claimant, a pedestrian, started across the street on a regular crosswalk at a time when the light was in her favor but that the light changed while she was crossing the street. The postal chauffeur was approaching the intersection as the light changed and swerved to the left of the center of the street, passing three lines of standing traffic in an effort to be the first to enter the intersection on the green light. It is not clear whether the mail truck collided with the claimant and knocked her down or whether she fell in trying to get out of the way of the truck. It does appear that a wheel of the truck passed over her foot, fracturing her right ankle and heel.

In the circumstances it is believed that the pending bill should receive favorable consideration. However, the Department would not undertake to recommend any particular amount as constituting a sufficient award, preferring to leave that question for the determination of Congress.

Very truly yours,

SMITH W. PURDUM,
Acting Postmaster General.

POST OFFICE DEPARTMENT,
Brooklyn, N. Y., July 11, 1941.

Subject: Brooklyn, N. Y.: Accident on January 15, 1941, involving United States mail truck No. 17039 and resulting in personal injuries to Alvira Manfredi.

INSPECTOR IN CHARGE,
New York, N. Y.:

1. Investigation of this case was concluded at Brooklyn, N. Y., on July 10, 1941.
2. The case relates to an accident at about 4:55 p. m., on January 15, 1941, at the intersection of Lafayette and Kent Avenues, Brooklyn, N. Y., involving 1-ton Ford truck No. 17039, driven by Chauffeur-Carrier Albert Ondik, and a pedestrian, Mrs. Alvira Manfredi, 1340 East Ninety-eighth Street, Brooklyn, N. Y. No damages were sustained by the mail truck and a claim for \$1,000 for personal injury and \$4.15 property damage has been filed by Mrs. Alvira Manfredi through her attorney, Maxwell M. Flamm, 16 Court Street, Brooklyn, N. Y. Mrs. Manfredi sustained a broken right ankle. A sketch, with the file, shows the relative positions of the vehicle and the claimant at the time of the accident.
3. Lafayette Avenue is an east and west thoroughfare, approximately 40 feet in width, and Kent Avenue is a north and south thoroughfare, approximately 32 feet in width. The intersection is controlled by a traffic light. The accident was witnessed by Mrs. Margaret Canavan, 8912 Ninety-first Street, Woodhaven, N. Y.
4. The accident record of chauffeur-carrier Albert Ondik, with the file, shows that since 1928 he has been involved in 10 accidents, of which 1 is classified as responsible, 6 as avoidable, 2 as questionable, and 1 as unavoidable. Superintendent of Motor Vehicle Service M. Carriere stated that he has no reason to doubt this employee's credibility. In an affidavit, herewith, he stated that upon

approaching the intersection of Lafayette and Kent Avenues, he noted the light to be red against him; he slowed and when he was about 05 feet from the intersection, the light changed to green; three cars were standing in line at his right and he was just left of the white line dividing the street (Lafayette Avenue); as he entered the crosswalk, he saw a woman cross in front of the first car at his right, whereupon he applied the brakes and, feeling a slight bump at the right rear of the truck, he stopped and, upon alighting found that his right rear wheel of the truck had passed over the woman's right foot.

5. Mrs. Alvira Manfredi, when interviewed, stated that while walking in a southerly direction on Kent Avenue, she approached the intersection of Lafayette Avenue; the traffic signal was green in her favor; three cars were facing west on Lafayette Avenue and one facing east, waiting for the traffic signal to change in order that they might proceed; she started across the intersection and was about halfway over, having passed the first of the three vehicles facing west, when United States mail truck, proceeding west on Lafayette Avenue, passed the three vehicles which were waiting for the light to change; she saw the mail truck approaching and tried to pull back, and fell to the street. She cannot recall whether the mail truck struck her before she fell, or whether the rear right or rear left wheel passed over her right foot. She suffered a fracture of the right ankle and heel.

6. Mrs. Margaret Canavan, 8912 Ninety-first Street, Woodhaven, N. Y., witnessed the accident while waiting in her car, on the opposite side of the intersection facing east, for the light to change. Her statement on Form 4563 is with the file. She stated that:

"I was driving my car east on Lafayette Avenue and stopped at Kent Avenue for a red light when a woman crossed Lafayette Avenue from north to south in front of a private car when the mail truck traveling west continued ahead because of the light turning green. The woman seeing the mail truck attempted to step back and in so doing slipped, causing her to fall and the right rear wheel of the mail truck ran over the woman's foot."

This witness was further questioned and stated that the claimant had started across the intersection while the traffic light was still green; that the driver of the first car in the line of three facing west, waited for her to continue crossing, even though the light changed to red after she had proceeded about four paces; the witness also waited for the pedestrian to complete the crossing before starting forward from the opposite side. She further stated that the light was green when the mail truck came up to the crosswalk. She declined to make any further written statement on the ground that to do so might place responsibility on the mail-truck driver. She would make no statement as to where responsibility rests, stating that in her opinion the accident was unavoidable.

7. The police report of this accident, with the file, places responsibility on the pedestrian. The officer making the report was not a witness to the accident.

8. The claimant was taken to Greenpoint Hospital, Brooklyn, where she remained for 1 week. She has subsequently been treated at Kings County Hospital, and at the present time is being treated at Gouverneur Hospital. There is apparently no charge for the treatment at the two latter institutions. With the file is a copy of the bill of the Greenpoint Hospital for \$107 to the claimant. This bill has been paid by the city of New York, who have filed lien against any recovery made by the claimant. In her sworn statement the claimant directs that the amount of the hospital bill should be paid directly to that institution.

9. As a result of this accident, the claimant expended \$11.25 for taxi fare to and from hospitals; 94 cents for alcohol; and has lost wages amounting to \$255 to May 3, 1941. Bills covering taxi fare are herewith. There is no bill for alcohol, but I believe this is a proper charge. At the time of the accident she was employed by Julius Kayser & Co., 453 DeKalb Avenue, Brooklyn, N. Y., at an average weekly salary of \$17, in the operation of a machine necessitating the use of her feet. She is still unable to resume employment and in her sworn statement indicates that further claim will be submitted covering loss of wages from May 3, 1941, to the date of resumption of employment.

10. The conclusion is reached, from close questioning of the principals and witnesses, that the driver of the mail truck is responsible for this accident because the claimant had started across the intersection with a green light and was entitled to complete her crossing although the light changed to red while she was part way across. Although the mail truck had a green light when it came up to the intersection, in my opinion the driver used poor judgment in passing the three cars and attempting to go through the intersection, because he could not see the pedestrian in front of the first car and should have waited for the three vehicles to proceed.

11. It is recommended that Alvira Manfredi's claim be allowed in the amount of \$267.19; representing \$11.25 for taxi fare, 94 cents for alcohol, and \$255 for loss of wages; that the sum of \$107 for hospital care be paid to the city of New York, and that favorable consideration be given to further claim for loss of wages by Mrs. Manfredi, if such claim is made.

E. E. HARDING, *Post Office Inspector.*

AFFIDAVIT OF MRS. ALVIRA MANFREDI

STATE OF NEW YORK,

County of Kings, ss:

Mrs. Alvira Manfredi, being duly sworn, deposes and says: I am 24 years of age and reside at 22 James Street, Brooklyn, N. Y.

On January 15, 1941, at about 5:55 p. m., I was walking in a southerly direction on Kent Avenue, Brooklyn, N. Y. As I approached the intersection of Lafayette Avenue, the traffic signal at that intersection was green in my favor. There were three cars parked facing west on Lafayette Avenue, and at least one facing east, waiting for the traffic light to change in order that they might proceed. The light being in my favor, I started across Lafayette Avenue, and was about halfway across the intersection, having passed the first of the three vehicles which were facing west, when a United States mail truck, proceeding west on Lafayette Avenue, ran past the three automobiles facing in the same direction waiting for the light. This happened very suddenly and unexpectedly, and as I saw the mail truck approaching I tried to pull back. I fell to the street and struck my head. I do not recall whether the mail truck struck me before I fell or after. I do not recollect whether the rear right or rear left wheel passed over my right foot. I suffered a fracture of the right ankle and heel. The automobile facing in an easterly direction, which I believe was operated by a Mr. Canavan, of 8912 Ninety-first Street, Woodhaven, was likewise stopped by the traffic light, and an occupant of that car, believed to be Mrs. Canavan, came over to where I lay and tried to put a blanket around me.

I was taken to the Greenpoint Hospital in an ambulance, where I remained for 1 week. My total claim to May 3, 1941, will be \$11.25 taxicab fare, 94 cents for alcohol, and \$255 for 15 weeks loss of wages. The hospital bill at Greenpoint Hospital amounts to \$107, which I have not paid, and which may be paid direct to the hospital. I am still unable to resume employment, and have been advised by Gouverneur Hospital, where I am now being treated, that it will be a matter of many weeks before I will be fully recovered. It is my intention to submit a further claim for loss of wages as soon as I am physically able to resume employment.

ALVIRA MANFREDI.

Subscribed and sworn to before me at Brooklyn, N. Y., this 9th day of May 1941.

EMMET E. HARDING,
Post Office Inspector.

AFFIDAVIT OF ALBERT ONDIK

STATE OF NEW YORK,

County of Kings, ss:

Albert Ondik, being duly sworn, deposes and says: I am a chauffeur-carrier at the Brooklyn, N. Y., post office, assigned to the delivery of parcel post from Ridgewood Station. I have been a chauffeur-carrier 18 years.

On January 15, 1941, at about 4:55 p. m., I was driving mail truck No. 17039 in a westerly direction on Lafayette Avenue, en route to the post-office garage. I crossed the intersection of Franklin Avenue, with the traffic signal in my favor and noted that the light on Kent Avenue was red (traffic signals on Lafayette Avenue are progressive). I slowed the speed of the mail truck, and as I neared Kent Avenue, 50 feet from it, the light turned green. Three private cars were parked in line at my right, and I was just left of the white line dividing the street. As I entered the crosswalk, at Kent Avenue, I saw, out of the side of my eye, a woman cross in front of the first car at my right. I applied my brakes, and before I could stop I felt a slight bump at the rear right of the truck. I alighted, and found that the rear right wheel had passed over the woman's right foot. I carried

the woman to the sidewalk, and called an ambulance, which took her to Greenpoint Hospital.

I do not believe I was in any way responsible for this accident, as I was proceeding into an intersection with traffic signals in my favor, and the woman crossed against the lights. A woman who had been in her car on Lafayette Avenue, facing west, in the line of cars to my right, volunteered to act as a witness in my behalf. Her name is Margaret Canavan, 8912 Ninety-first Street, Woodhaven, N. Y.

ALBERT ONDIE.

Subscribed and sworn to before me at Brooklyn, N. Y., this 8th day of May 1941.

EMMET E. HARDING,
Post Office Inspector.

CITY OF NEW YORK—DEPARTMENT OF HOSPITALS

LIABILITY DIVISION

JANUARY 31, 1941.

Refer to Our Case No. L-42564-GP.
Document No. L 49284.

Mrs. ALVIRA MANFREDI,
1340 Ninety-eighth Street, Brooklyn, N. Y.

For medical and surgical service rendered to Alvira Manfredi, injured Jan. 15, 1941, at Greenpoint Hospital from Jan. 15, 1941, to Jan. 22, 1941 (discharged):

7 days' general institutional care, at \$5-----	\$35
4 laboratory tests-----	8
X-ray services-----	24
Ambulance service-----	10
Operative procedure-----	30
Total-----	107

CITY OF NEW YORK—DEPARTMENT OF HOSPITALS

KINGS COUNTY HOSPITAL

APRIL 26, 1941.

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

To Whom It May Concern:

This is to certify that the records of this hospital show that Alvira Manfredi, 24 years of age, and living at the time of her reception here at 1340 East Ninety-eighth Street, Brooklyn, N. Y., attended clinic from February 7, 1941, to April 25, 1941.

The diagnosis in her case is healed fracture of the right os calcis.

To begin moderate weight bearing April 25, 1941. May do light labor April 25, 1941.

E. GIDDINGS, M. D.,
Medical Superintendent.
By A. D. BICUNAS, M. D.,
Physician in charge.

Mailed to patient.

POLICE DEPARTMENT

BUREAU OF LICENSING PUBLIC HACKS AND HACK DRIVERS

No. A23070

230 West Twentieth Street

FEBRUARY 3, 1941.

Received from bearer for trip from: 22 James Street to Greenpoint Hospital, Brooklyn, \$2.50, total fare.

Vehicle license No.: 2865. State registration No.: 026370. Driver's license No.: 30022.

JOHN CASAZZA,
Driver, 49 New Bowery.

POLICE DEPARTMENT

BUREAU OF LICENSING, PUBLIC HACKS AND HACK DRIVERS

156 Greenwich Street

FEBRUARY 14, 1941.

Received from bearer for trip from: 22 James Street to Kings County Hospital, \$3.50, total fare.

Vehicle license No.: 029-094. Driver's license No.: 51066.
S. FALCONE,
Driver, 441 New Jersey Avenue, Brooklyn.

POLICE DEPARTMENT

BUREAU OF LICENSING PUBLIC HACKS AND HACK DRIVERS

230 West Twentieth Street

No. B12930

APRIL 4, 1941.

Received from bearer for trip from: 22 James Street to Kings County Hospital and return, \$3.25, total fare.

State registration No.: 018-109. Driver's license No.: 37770.

LOUIS SANTASUN,
Driver, 110 Madison Street, New York City.

Received from bearer, \$2 fare from 22 James Street to Kings County Hospital, April 25, 1941, \$1.75 on meter and 25 cents extra.

JACK WOLFMAN,
No. 37573.

E. Gindroz, M.D.
Medical Superintendent
By A. D. Bicknell, M.D.
Physician in Charge

Mailed to patient